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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,094	10/27/2003	Chi-Jung Chu	AP4530 (15739/211)	3092
23595	7590	04/19/2005	EXAMINER	
NIKOLAI & MERSEREAU, P.A. 900 SECOND AVENUE SOUTH SUITE 820 MINNEAPOLIS, MN 55402			RIELLEY, ELIZABETH A	
			ART UNIT	PAPER NUMBER
			2879	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary	Application No.	Applicant(s)	
	10/694,094	CHU, CHI-JUNG	
	Examiner	Art Unit	
	Elizabeth A. Rielley	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10-27-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 10 in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6, and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Holzer (US 5128590).
5. In regard to claim 1, Holzer ('590) teaches a fluorescent lamp (figure 3) comprising a base (1; column 3 line 30 to column 40 line 15), a lamp seat (28) including a cover (29) and a housing (4), the cover being securely mounted to the base (39), the housing receiving an illuminating circuit (32); and an illuminating tube (2) having two ends (40) mounted to the base (1 via 29), the illuminating tube defining a compartment in which the housing is received (abstract).
6. In regard to claims 2 and 9, Holzer ('590) teaches the base including a disk (not numbered) for engaging with the cover of the lamp seat (see figure 3; column 3 lines 54-56).
7. In regard to claims 3 and 10, Holzer ('590) teaches the cover (29; figure 3) including two openings (34) for respectively receiving the ends (40) of the illuminating tube (2)
8. In regard to claim 4, Holzer ('590) teaches the illuminating tube (2) has two helical illuminating tube sections (figures 9, 19, and 20; column 3 lines 66-68) respectively extending from the ends of the illuminating tube in a direction away from the base and merging with each other at an apex (not numbered; figures 19 and 20).

9. In regard to claim 6, Holzer ('590) teaches the helical illuminating tube sections have the same radius (see figure 20).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
11. Claims 7, 8, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer (US 5128590) in view of Washburn et al (US 5220236).
12. In regard to claims 7 and 11, Holzer ('590) teaches all the limitations set forth, as described above, except the illuminating tube and the lamp set together define a spherical outline. Washburn et al ('236) teaches an illuminating tube (113) and the lamp set (111 and 115) together define a spherical outline (see figure 4; column 3 lines 6-21) for a more esthetical appearance. Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Holzer with the outward shape of the lamp of Washburn et al in order to produce a lamp with a more esthetical appearance.
13. In regard to claims 8 and 12, Holzer ('590) teaches all the limitations set forth, as described above, except the housing includes a reflective layer applied to an outer periphery. Washburn et al ('236)

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teaches a circuitry (115) housing (111) includes a reflective layer (119) applied to an outer periphery (see figure 4) in order to increase the electrical efficiency (column 2 lines 58-62). Hence, it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Holzer with the reflective coating of Washburn et al in order to increase the electrical efficiency of the lamp.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holzer (US 5128590) in view of Soules et al (US 5751104).

15. Holzer ('590) teaches all the limitations set forth, as described above, except a radius of each of the helical illuminating tube sections increases and then decreases in the direction away from the base. Soules et al ('104) teach radius of each of the helical illuminating tube sections (32; figure 3) increases and then decreases in the direction away from the base (see figure 3; column 5 lines 15-28) for a more esthetical appearance. Hence it would have been obvious at the time of the invention to one of ordinary skill in the art to combine the lamp of Holzer ('590) with the design of Soules et al ('104) in order to produce a lamp with a more esthetical appearance.

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Rielley whose telephone number is 571-272-2117. The examiner can normally be reached on Monday - Friday 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Elizabeth Rielley

Examiner
Art Unit 2879

Mptgo 4/15/05
Mariceli Santiago
AU 2879